

**RESOLUTION NO. 20050623-027**

**WHEREAS**, the City Council of the City of Austin has found that public necessity requires the acquisition by the City of certain real property interests as stated hereinafter for the purposes hereinafter stated; and

**WHEREAS**, the City of Austin has attempted to purchase said real property interests and has been unable to agree with the owner of the real property interests on the fair market value thereof; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

That the City Attorney, or other authorized designee, is hereby authorized and directed to file or cause to be filed a suit in eminent domain on behalf of the City of Austin against the owner now having or who may acquire an interest in the real property interests needed by the City, to acquire certain real property interests at the location hereinafter stated, for the purpose hereinafter stated, and from the owner hereinafter stated and/or its successors in interest, and to take whatever other action may be deemed appropriate to economically effect the needed acquisitions; said real property interests to be acquired are described in Exhibits "A," "B," and "C," which are attached hereto and made a part hereof for all purposes.

The City Attorney or other authorized designee shall file eminent domain proceedings for:

Owner: Alliance FHW Limited Partnership

Project: Little Walnut/Buttermilk at 290 and 183 Project, a portion of the Austin Clean Water Program

Intended Purpose: permanent wastewater line easement to upgrade and improve wastewater lines, prevent leakage of wastewater lines, and to comply with a federal mandate; and a temporary working space easement and permanent access easement, the temporary easements listed above are necessary to install wastewater lines.

Location: 1901 Anderson Lane, Austin, Texas, and see attached field notes.

**ADOPTED:** June 23, 2005

**ATTEST:** Shirley A. Brown  
Shirley A. Brown  
City Clerk

Alliance FHW Limited Partnership  
To  
City of Austin  
(Wastewater Easement)  
John Applegate Survey No. 58, A-29  
CIP #4926.021  
Page 1 of 6

FIELD NOTES PARCEL 5011.06 WE

LEGAL DESCRIPTION OF A 0.6194 ACRE (26,981 SQUARE FEET) TRACT OR PARCEL OF LAND OUT OF THE JOHN APPLGATE SURVEY NO. 58, ABSTRACT NO. 29 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 10.097 ACRE TRACT OF LAND CONVEYED TO ALLIANCE FHW LIMITED PARTNERSHIP BY SPECIAL WARRANTY DEED DATED AUGUST 20, 2003, OF RECORD IN DOCUMENT NUMBER 2003205454 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND A PORTION OF THE CREEKS, A SUBDIVISION OF RECORD ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 66, PAGE 72 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.6194 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

COMMENCING at a Texas Department of Transportation brass disc in concrete found for corner in the southerly right-of-way line of U.S. Highway 183 also known as Anderson Lane (width varies), being in the northerly line of said 10.097 acre tract;

THENCE, S 33°47'11"E, along said southerly right-of-way line a distance of 113.92 feet to a Texas Department of Transportation brass disc in concrete found for an angle point;

THENCE, S 62°33'11"E, along said southerly right-of-way line a distance of 311.47 feet to a calculated point for corner, being the point of intersection with the centerline of Little Walnut Creek, having Texas State Plane Coordinate (Texas Central Zone, NAD83(CORS), U.S. Feet, Combined Scale Factor 0.999924726) values of N=10093200.08, E=3133949.71, being the POINT OF BEGINNING of the herein described tract;

THENCE, S 62°33'09" E, continuing along said southerly right-of-way line and said centerline a distance of 6.37 feet to a calculated point for corner;

THENCE, S 18°04'39" E, continuing along said southerly right-of-way line and centerline a distance of 14.44 feet to a calculated point for corner;

THENCE, S 09°10'49" E, continuing along said southerly right-of-way line and centerline a distance of 50.39 feet to a calculated point for corner;

THENCE, S 14°55'20" E, continuing along said southerly right-of-way line and centerline at 9.38 feet passing the northwesterly corner of a called 2.43 acre tract of land conveyed to Texas Manufactured Housing Association by Warranty Deed with Vendor's Lien dated January 19, 1982 of record in Volume 7668, Page 0646 of the Deed Records of Travis County, Texas and an angle point in said southerly right-of-way line, continuing along said centerline and the line common to said 10.097 acre tract and 2.43 acre tract, at 20.03 feet passing the westerly line of an existing Sanitary Sewer Easement (10 feet wide) granted to The City of Austin by instrument dated February 27, 1962 of record in Volume 2436, Page 1 of the Deed Records of Travis County, Texas, in all a distance of 53.82 feet to a calculated point for corner;

THENCE, S 16°12'16" E, continuing along said centerline and common line a distance of 49.64 feet to a calculated point for corner;

THENCE, S 22°21'36" E, continuing along said centerline and common line a distance of 51.94 feet to a calculated point for corner;

THENCE, S 29°07'39" E, continuing along said centerline and common line a distance of 47.40 feet to a calculated point for corner;

THENCE, S 38°31'29" E, continuing along said centerline and common line at a distance of 35.08 feet passing the westerly line of said Sanitary Sewer Easement and easterly line of a Wastewater Easement granted to the City of Austin dated March 18, 1987 of record in Volume 10173, Page 0929 of Real Property Records of Travis County, Texas and dated May 8, 1987 of record in Volume 10246, Page 0577 of Real Property Records of Travis County, Texas, in all a distance of 45.23 feet to a calculated point for corner;

THENCE, S 23°42'48" E, continuing along said centerline and common line a distance of 125.94 feet to a calculated point for corner being in the centerline of said Little Walnut Creek and the line common to said 10.097 acre tract and a called 23.26 acre tract conveyed to The Carter Family Partnership by Special Warranty Deed dated January 22, 1991 of record in Volume 11359, Page 0160 of the Real Property Records of Travis County, Texas;

THENCE, S 21°44'13" E, continuing along said centerline and common line a distance of 22.87 feet to a calculated point for corner;

THENCE, S 24°52'53" E, continuing along said centerline and common line a distance of 38.70 feet to a calculated point for corner;

THENCE, S 23°42'48" E, departing said centerline and common line a distance of 58.77 feet to a calculated point for corner being in said centerline and common line;

THENCE, S 13°43'03" E, continuing along said centerline and common line a distance of 31.07 feet to a calculated point for corner;

THENCE, S 02°54'18" E, departing said centerline and common line and crossing said 10.097 acre tract a distance of 79.02 feet to a calculated point for corner being in said centerline and common line;

THENCE, S 04°12'31" W, continuing along said centerline and common line a distance of 0.78 feet to a calculated point for corner;

THENCE, S 02°10'35" W, continuing along said centerline and common line a distance of 0.65 feet to a calculated point for corner;

THENCE, S 11°46'25" W, departing said centerline and common line at a distance of 54.49 feet passing the northerly line of said Wastewater Easement, at a distance of 95.40 feet passing the southerly line of said Wastewater Easement, in all a distance of 108.01 feet to a calculated point for corner being in said centerline and common line;

THENCE, S 38°53'58" W, continuing along said centerline and said common line a distance of 24.61 feet to a calculated point for corner;

THENCE, S 52°41'53" W, departing said centerline and common line and crossing said 10.097 acre tract a distance of 171.28 feet to a calculated point for corner;

THENCE, S 87°01'15" W, at a distance of 55.97 feet passing the easterly line of said Wastewater Easement, at a distance of 212.12 passing the westerly line of said Wastewater Easement, in all a distance of 272.84 feet to a calculated point for corner being in said centerline and a line common to said 10.097 acre tract and a called 8.854 acre tract of land conveyed to Walnut Creek Partners, LP, dated June 28, 2001 by Warranty Deed of record in Document No. 2001106690 of the Official Public Records of Travis County, Texas;

THENCE, N 59°02'11" W, continuing along said common line a distance of 6.49 feet to a calculated point for corner;

THENCE, N 69°21'11" W, continuing along said common line a distance of 53.33 feet to a calculated point for corner;

THENCE, N 87°01'15" E, departing said common line and crossing said 10.097 acre tract at a distance of 285.14 feet passing the westerly line of said Wastewater Easement, continuing in all a distance of 319.37 feet to a calculated point for corner;

THENCE, N 52°41'53" E, a distance of 171.36 feet to a calculated point for corner;

THENCE, N 11°46'25" E, at a distance of 21.63 feet passing the westerly line of said Wastewater Easement, in all a distance of 105.03 feet to a calculated point for corner;

THENCE, N 02°54'18" W, a distance of 87.22 feet to a calculated point for corner;

THENCE, N 23°42'48" W, a distance of 70.33 feet to a calculated point for corner;

THENCE, N 24°52'53" W, a distance of 39.13 feet to a calculated point for corner;

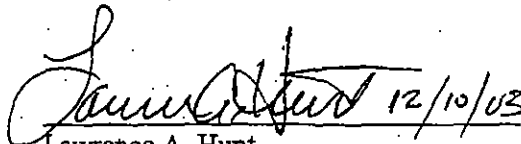
THENCE, N 21°44'13" W, a distance of 23.12 feet to a calculated point for corner;

THENCE, N 23°42'48" W, a distance of 309.99 feet to a calculated point for corner;

THENCE, N 08°31'54" W, at a distance of 85.99 feet passing the westerly line of the said Sanitary Sewer Easement, in all a distance of 133.53 feet to the POINT OF BEGINNING, containing 0.6194 (26,981 square feet) of land.

BEARING BASIS NOTE

All bearings and coordinates are referenced to the Texas State Plane Grid Coordinate System, Central Zone, NAD83(CORS) Datum. The coordinates were established from reference point "Austin RRP" having coordinate values N = 10086515.877, E = 3109682.468 and reference point "Austin" having coordinate values N = 10097010.901, E = 3128551.052. All bearings are based on two found Texas Department of Transportation brass disks in concrete in the southerly right-of-way line of U.S. Highway 183 and the northerly line of The Creeks subdivision, having a grid bearing of S 33°47'11" E (S 33°41'E - Plat Bearing) and a surface distance of 113.92 feet (113.92 feet - Plat Distance). Combined Scale Factor = 0.999924726. All distances are surface distances.


  
Lawrence A. Hunt  
Registered Professional Land Surveyor  
Texas Registration No. 4328



Prepared By:

Sunland Engineering Company  
10497 Town & Country way, Suite 550  
Houston, Texas 77023  
713-467-8484

FIELD NOTES REVIEWED

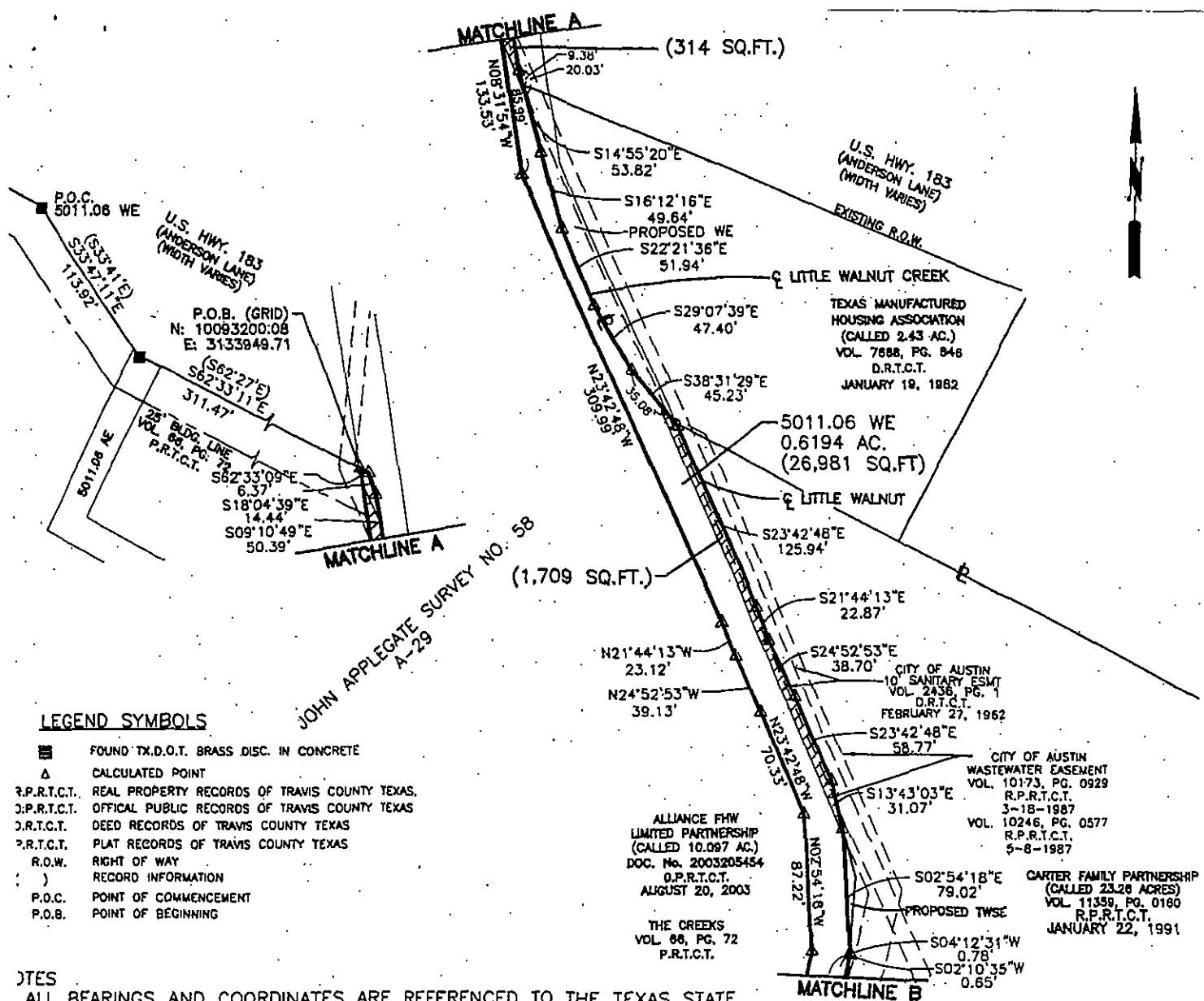
By:  Date: 12-15-03

Austin Clean Water Program  
Survey Coordinator

REFERENCES

TCAD #0229210231  
AUSTIN GRID M-27

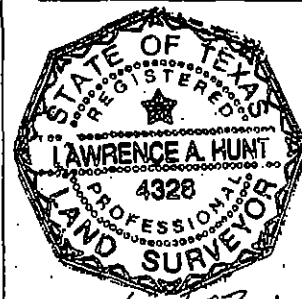
Exhibit "A"  
Page 4 of 6



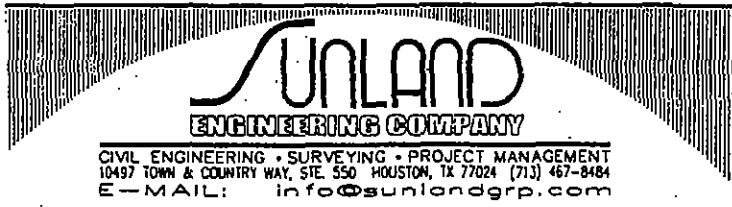
NOTES  
ALL BEARINGS AND COORDINATES ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE NAD 83 (CORS) DATUM. THE COORDINATES WERE ESTABLISHED FROM REFERENCE POINT "AUSTIN RRP" HAVING COORDINATES N = 086515.877, E = 3109682.468 AND REFERENCE POINT "AUSTIN" HAVING COORDINATE VALUES N = 10097010.901, E = 3128551.052. ALL BEARINGS ARE BASED ON TWO FOUND TXDOT BRASS DISCS IN CONCRETE IN THE SOUTHERLY RIGHT-OF-WAY LINE OF S. 183 AND THE NORTHERLY LINE OF THE CREEKS SUBDIVISION, HAVING A GRID BEARING OF S33°47'11"E (S33°41'E - PLAT BEARING) AND A SURFACE DISTANCE OF 3.92 FEET (113.92 FEET - PLAT DISTANCE). COMBINED SCALE FACTOR = 999924726. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.

THIS SURVEY RELIED ON RECORD INFORMATION CONTAINED IN A COMMITMENT FOR TITLE INSURANCE ISSUED BY STEWART TITLE AUSTIN, INC. GF NO. 03040610, DATED APRIL 20, 2003.

A METES AND BOUNDS DESCRIPTION WAS PREPARED IN CONJUNCTION WITH THIS SKETCH.



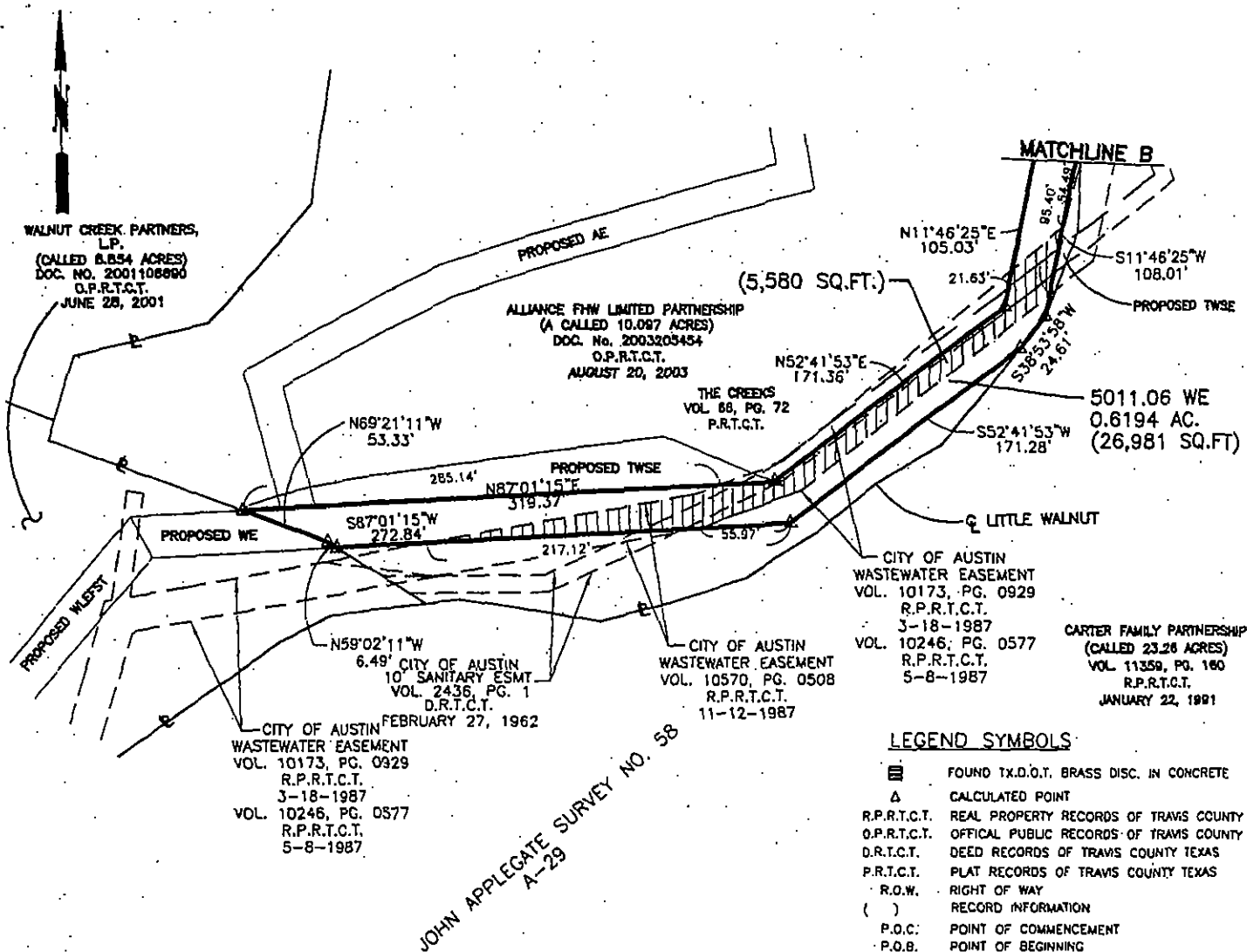
12/10/03  
Lawrence A. Hunt



**SKETCH OF PARCEL 5011.06 WE  
LITTLE WALNUT CREEK  
(U.S. 290/U.S. 183)  
JOHN APPLIGATE SURVEY NO. 58, A-29  
TRAVIS COUNTY, TEXAS**



SURVEY BY: RRF	DATE: DECEMBER, 2002	SCALE: 1" = 100'
DRAWN: Exhibit "A"	DATE: MAY 30, 2003	
CHECK: Page 5 of 6	DATE: JULY 31, 2003	
		SHEET NUMBER 5 OF 6



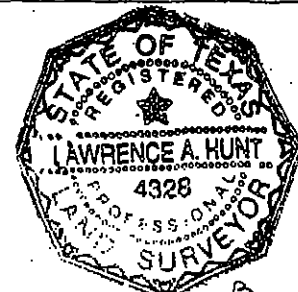
JOHN APPLIGATE SURVEY NO. 58  
A-29

OTES

ALL BEARINGS AND COORDINATES ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE NAD 83 (CORS) DATUM. THE COORDINATES WERE ESTABLISHED FROM REFERENCE POINT "AUSTIN RRP" HAVING COORDINATES N = 086515.877, E = 3109682.468 AND REFERENCE POINT "AUSTIN" HAVING COORDINATE VALUES N = 10097010.901, E = 3128551.052. ALL BEARINGS ARE BASED ON TWO FOUND TXDOT BRASS DISCS IN CONCRETE IN THE SOUTHERLY RIGHT-OF-WAY LINE OF S. 183 AND THE NORTHERLY LINE OF THE CREEKS SUBDIVISION, HAVING A GRID BEARING OF S33°47'11"E (S33°41'E - PLAT BEARING) AND A SURFACE DISTANCE OF 3.92 FEET (113.92 FEET - PLAT DISTANCE). COMBINED SCALE FACTOR = 999924726. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.

THIS SURVEY RELIED ON RECORD INFORMATION CONTAINED IN A COMMITMENT FOR TITLE INSURANCE ISSUED BY STEWART TITLE AUSTIN, INC. OF NO. 03040610, DATED APRIL 20, 2003

A METES AND BOUNDS DESCRIPTION WAS PREPARED IN CONJUNCTION WITH THIS SURVEY SKETCH.



12/10/2003  
*Lawrence A. Hunt*

**SUNLAND**  
ENGINEERING COMPANY

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**SKETCH OF PARCEL 5011.06 WE  
LITTLE WALNUT CREEK  
(U.S. 290/U.S. 183)  
JOHN APPLIGATE SURVEY NO. 58, A-29  
TRAVIS COUNTY, TEXAS**

<b>ACWP</b>	SURVEY BY: RRF	DATE: DECEMBER, 2002	SCALE: 1" = 100'
	DRAWN E	MAY 30, 2003	
	CHECKED	JULY 31, 2003	SHEET NUMBER 6 OF 6

Exhibit "A"  
Page 6 of 6



FIELD NOTES FOR PARCEL 5011.06 AE

LEGAL DESCRIPTION OF A 1.198 ACRE (52,184 SQUARE FOOT) TRACT OR PARCEL OF LAND OUT OF THE JOHN APPLGATE SURVEY NO. 58, ABSTRACT NO. 29 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 10.097 ACRE TRACT OF LAND CONVEYED TO ALLIANCE FHW PORTFOLIO LIMITED PARTNERSHIP BY SPECIAL WARRANTY DEED DATED AUGUST 20, 2003, OF RECORD IN DOCUMENT 2003205454 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THE CREEKS, A SUBDIVISION OF RECORD ACCORDING TO THE MAP OR PLAT THERE OF, RECORDED IN VOLUME 66, PAGE 72 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID 1.198 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

COMMENCING at a Texas Department of Transportation concrete monument found for an angle point in the southerly right-of-way line of U.S. Highway 183, also known as Anderson Lane (right-of-way width varies), same being the most northerly northeast corner of said 10.097-acre tract;

THENCE, with said southerly right-of-way line, same being the northerly line of said 10.097-acre tract, N 62°35'03" W, a distance of 24.22 feet to a mag nail set for the northeast corner and being the POINT OF BEGINNING hereof, said point having Texas State Plane Coordinate (Texas Central Zone, NAD83(CORS), U.S. Feet, Combined Scale Factor 0.999924726) values of N=10093447.58, E=3133591.94;

THENCE, leaving said southerly right-of-way line, same being the northerly line of said 10.097-acre tract and crossing said 10.097-acre tract and crossing a variable width (called 1.44 acres) Ingress and Egress Easement as recorded in Volume 5066, Page 759 of the Deed Records of Travis County, Texas, the following two (2) courses and distances:

1. S 34°19'59" E, a distance of 56.69 feet to a mag nail set for an angle point,
2. with the arc of a curve to the right, a radius of 198.00 feet, arc length of 184.30 feet, a central angle of 53°19'46", and a chord which bears S 12°42'45" E, a distance of 177.72 feet to a mag nail set for an angle point,

THENCE, continuing across said 10.097-acre tract and in part crossing said Ingress and Egress Easement, S 61°24'12" E, passing the east line of said variable width easement at a distance of 29.49 feet, in all for a total distance of 156.96 feet to a mag nail set for an angle point,

THENCE, continuing across said 10.097-acre tract the following twenty-three (23) courses and distances:

1. S 01°30'43" W, a distance of 97.69 feet to a mag nail set for an angle point,
2. S 19°39'37" E, a distance of 23.57 feet to a mag nail set for an angle point,
3. S 30°51'02" E, a distance of 343.74 feet to a mag nail set for an angle point,
4. S 10°09'37" E, a distance of 208.55 feet to a mag nail set for an angle point,
5. S 76°53'32" W, a distance of 306.07 feet to a mag nail set for an angle point,
6. S 60°46'04" W, a distance of 33.45 feet to a mag nail set for an angle point,
7. S 14°41'37" E, a distance of 93.80 feet to an iron rod with plastic cap set for an angle point,
8. S 87°01'15" W, a distance of 20.43 feet to an iron rod with plastic cap set for an angle point,
9. N 14°41'37" W, a distance of 105.13 feet to a mag nail set for an angle point,
10. N 60°46'04" E, a distance of 51.75 feet to a mag nail set for an angle point,
11. N 76°53'32" E, a distance of 289.93 feet to a mag nail set for an angle point,
12. N 10°09'37" W, a distance of 185.91 feet to a mag nail set for an angle point,
13. N 30°51'02" W, a distance of 235.13 feet to a mag nail set for an angle point,
14. S 59°08'58" W, a distance of 26.63 feet to a mag nail set for a point of curvature,
15. with the arc of a curve to the right, a radius of 20.00 feet, arc length of 15.80 feet, a central angle of 45°15'06", and a chord which bears S 81°46'31" W, a distance of 15.39 feet to a mag nail set for point of tangency,
16. N 75°35'56" W, a distance of 83.96 feet to a mag nail set for a point of curvature,
17. with the arc of a curve to the right, a radius of 120.00 feet, arc length of 28.04 feet, a central angle of 13°23'20", and a chord which bears N 68°54'16" W, a distance of 27.98 feet to a mag nail set for point of tangency,
18. N 62°12'36" W, a distance of 97.72 feet to a mag nail set for an angle point,
19. N 63°43'59" W, a distance of 75.95 feet to a mag nail set for an angle point,
20. N 60°29'52" W, a distance of 103.54 feet to a mag nail set for a point of curvature,
21. with the arc of a curve to the right, a radius of 120.00 feet, arc length of 41.82 feet, a central angle of 19°58'02", and a chord which bears N 50°30'51" W, a distance of 41.61 feet to a mag nail set for point of tangency,

22. N 40°31'51" W, a distance of 376.35 feet to a mag nail set for a point of curvature, and

23. with the arc of a curve to the right, a radius of 30.00 feet, arc length of 35.52 feet, a central angle of 67°50'36", and a chord which bears N 06°36'33" W, a distance of 33.48 feet to a mag nail set for point of tangency,

THENCE, continuing across said 10.097-acre tract and in part crossing said Ingress and Egress Easement, N 27°18'45" E, passing the south line of said Ingress and Egress Easement at a distance of 176.01 feet; in all for a total distance of 215.06 feet to a mag nail set on said southerly right-of-way line, same being the northerly line of said 10.097-acre tract, for the most northwest corner hereof;

THENCE, with said southerly right-of-way line, same being the northerly line of said 10.097-acre tract, S 62°35'03" E, a distance of 20.00 feet to a mag nail set for an angle point;

THENCE, leaving said southerly right-of-way line, same being the northerly line of said 10.097-acre tract and crossing said 10.097-acre tract and in part crossing said Ingress and Egress Easement, S 27°18'45" W, passing the south line of said Ingress and Egress Easement at a distance of 39.08 feet, in all for a total distance of 215.02 feet to a mag nail set a point of curvature;

THENCE, continuing across said 10.097-acre tract the following twelve (12) courses and distances:

1. with the arc of a curve to the left, a radius of 10.00 feet, arc length of 11.84 feet, a central angle of 67°50'36", and a chord which bears S 06°36'33" E, a distance of 11.16 feet to a mag nail set for point of tangency,
2. S 40°31'51" E, a distance of 376.35 feet to a mag nail set for a point of curvature,
3. with the arc of a curve to the left, a radius of 100.00 feet, arc length of 34.85 feet, a central angle of 19°58'02", and a chord which bears S 50°30'51" E, a distance of 34.67 feet to a mag nail set for point of tangency,
4. S 60°29'52" E, a distance of 102.97 feet to a mag nail set for an angle point,
5. S 63°43'59" E, a distance of 75.65 feet to a mag nail set for an angle point,
6. S 62°12'36" E, a distance of 97.99 feet to a mag nail set for a point of curvature,
7. with the arc of a curve to the left, a radius of 100.00 feet, arc length of 23.37 feet, a central angle of 13°23'20", and a chord which bears S 68°54'16" E, a distance of 23.32 feet to a mag nail set for point of tangency,
8. S 75°35'56" E, a distance of 83.96 feet to a mag nail set for an angle point,
9. N 59°08'58" E, a distance of 26.63 feet to a mag nail set for an angle point,
10. N 30°51'02" W, a distance of 86.92 feet to a mag nail set for an angle point,

11. N 19°39'37" W, a distance of 29.27 feet to a mag nail set for an angle point, and

12. N 01°30'43" E, a distance of 89.19 feet to a mag nail set for an angle point;

THENCE, continuing across said 10.097-acre tract and in part crossing said Ingress and Egress Easement, N 61°24'12" W, passing the east line of said Ingress and Egress Easement at a distance of 114.87 feet, in all for a total distance of 160.85 feet to a mag nail set for an angle point,

THENCE, continuing across said 10.097-acre tract and said Ingress and Egress Easement the following three (3) courses and distances:

1. with the arc of a curve to the left, a radius of 178.00 feet, arc length of 176.98 feet, a central angle of 56°58'00", and a chord which bears N 09°36'31" W, a distance of 169.78 feet to a mag nail set for an angle point,
2. N 45°36'58" W, a distance of 68.73 feet to a mag nail set for an angle point, and
3. N 27°27'58" E, a distance of 26.77 feet to a mag nail set on said southerly right-of-way line, same being the northerly line of said 10.097-acre tract, for an angle point;

THENCE, with said southerly right-of-way line, same being the northerly line of said 10.097-acre tract, S 62°35'03" E, a distance of 20.00 feet to the POINT OF BEGINNING, containing 1.198 acre (52,184 square feet) of land.

#### BEARING BASIS NOTE

All bearings and coordinates are referenced to the Texas State Plane Grid Coordinate System, Central Zone, NAD83(CORS) Datum. The coordinates were established from reference point "Austin RRP" having coordinate values N = 10086515.877, E = 3109682.468 and reference point "Austin" having coordinate values N = 10097010.901, E = 3128551.052. All bearings are based on two found Texas Department of Transportation brass disks in concrete in the southerly right-of-way line of U.S. Highway 183 and the northerly line of The Creeks subdivision, having a grid bearing of S 33°47'11" E (S 33°41'E - Plat Bearing) and a surface distance of 113.92 feet (113.92 feet - Plat Distance). Combined Scale Factor = 0.999924726. All distances are surface distances.

*Lawrence A. Hunt*  
Lawrence A. Hunt, R.P.L.S. 4328

Sunland Group  
1907 North Lamar, Suite 220  
Austin, Texas 78705  
512-494-0208

3/16/2004



#### REFERENCES

TCAD #0229210231  
AUSTIN GRID M-27

S:\PROJECTS\2003137\doc\M&B-5011\_06AE-R2.doc

Exhibit "B"  
Page 4 of 6

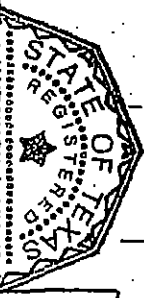
FIELD NOTES REVIEWED

By *CHIMORE* Date *3-21-2004*  
Engineering Support Section  
Department of Public Works  
and Transportation

PKT PROPERTIES, INC.  
DOCUMENT NO. 2003078966 D.P.R.T.C.T.  
LOT A, SALTER ADDITION  
BOOK 84, PAGE 107A P.R.T.C.T.

CURVE	LENGTH	RADIUS	DELTA	BEARING	CHORD
C1	184.30	198.00	53.19°46'	S12°42'45"E	177.72
C2	176.98	178.00	56.58°00'	N07°36'31"W	169.78
C3	15.80	20.00	45°15'06"	S81°46'31"W	15.39
C4	28.24	120.00	13°23'20"	N68°54'16"W	27.98
C5	41.82	120.00	19°58'02"	N50°30'51"W	41.61
C6	35.52	30.00	67°50'36"	N06°36'33"W	33.48
C7	11.94	10.00	67°50'36"	S06°36'33"E	11.16
C8	34.85	100.00	19°58'02"	S50°20'51"E	34.67
C9	23.37	100.00	13°23'20"	S68°54'16"E	23.32

LINE	LENGTH	BEARING
L1	20.00	S62°35'03"E
L2	26.77	N27°18'45"E
L3	26.43	N59°08'58"E
L4	20.00	S62°35'03"E
L5	68.73	N45°36'58"W
L6	29.27	N19°39'37"W
L10	23.57	S19°39'37"E
L11	56.49	S34°19'59"E
L12	24.22	N62°35'03"W
L13	26.63	S59°08'58"W



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2401 TOWN & COUNTRY BLVD., SUITE 200, FORT WORTH, TEXAS 76104  
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SKETCH OF PARCEL 5011.06 AE  
LITTLE WALNUT CREEK  
(U.S. 290/U.S. 183)  
JOHN APPLIGATE SURVEY NO. 58,  
A-29  
TRAVIS COUNTY, TEXAS

DRAWN BY: LH	DATE: 2/2/2004	FILED NO. 10
APPROVED BY: TR	DATE: 2/12/2004	AUS-5
SCALE: 1"=100'		
PAGE NO 5 OF 6		

Exhibit "B"  
Page 5 of 6

THE CREEKS  
VOL. 66, PG. 72  
P.R.T.C.T.

MATCH LINE

5011.06 AE  
(52,184 SQ.FT.)

ALLIANCE FHW PORTFOLIO  
LIMITED PARTNERSHIP  
(CALLED 10,097 ACRES)  
D.C. NO. 2003205454  
D.P.R.T.C.T.

THE CREEKS  
VOL. 66, PG. 72  
P.R.T.C.T.

LINE	LENGTH	BEARING
L7	51.751	N60°46'04"E
L8	20.431	S87°00'15"W
L9	33.451	S60°46'04"E

ALLIANCE FHW PORTFOLIO  
LIMITED PARTNERSHIP  
(CALLED 10,097 ACRES)  
D.C. NO. 2003205454  
D.P.R.T.C.T.

50' GREENBELT  
D.R.T.C.T.

JOHN APPELGATE SURVEY NO. 58,  
A-29

WALNUT CREEK PARTNERS, L.P.  
(CALLED TRACT FIVE 8,454 ACRES)  
D.C. NO. 2001066590  
R.P.R.T.C.T.

VARIABLE WIDTH DRAINAGE ESMT  
BOOK 66, PAGE 72  
P.R.T.C.T.

N76°53'32"E  
S76°53'32"W

ESMT OVERLAP  
818 SQ. FT.

PROPOSED WE  
PROPOSED TWSE

THE CREEKS  
VOL. 66, PG. 72  
P.R.T.C.T.

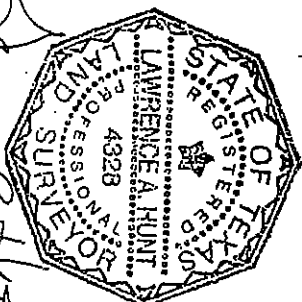
ESMT OVERLAP  
907 SQ. FT.  
WALNUT CREEK PARTNERS, L.P.  
(CALLED TRACT FIVE 8,454 ACRES)  
D.C. NO. 2001066590  
R.P.R.T.C.T.

# LEGEND SYMBOLS

- SET MAG-MAIL
- SET IRON ROD WITH PLASTIC CAP
- FOUND IRON ROD
- FOUND TYPED CONCRETE MONUMENT
- REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
- PLAT RECORDS OF TRAVIS COUNTY, TEXAS
- RIGHT OF WAY
- ( ) RECORD INFORMATION
- ( ) POINT OF BEGINNING
- P.D.B. POINT OF BEGINNING

CARTER FAMILY PARTNERSHIP  
(CALLED 23.26 ACRES)  
VOL. 11359, PG. 160  
R.P.R.T.C.T.

SCALE 1"=100'



**Sunland**

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C-114-111 info@sunlandcorp.com

SKETCH OF PARCEL 5011.06 AE  
LITTLE WALNUT CREEK  
(U.S. 290/U.S. 183)  
JOHN APPELGATE SURVEY NO. 58,  
A-29  
TRAVIS COUNTY, TEXAS

DRAWN BY: LH	DATE: 2/2/2004	FILED NO. 10
APPROVED BY: LH	DATE: 2/12/2004	AUS-5
2002137:05		2002137:05
SCALE: 1"=100'		PAGE NO 6 OF 6

- NOTES
1. ALL BEARINGS AND COORDINATES ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE NAD 83 (CORS) DATUM. THE COORDINATES WERE ESTABLISHED FROM REFERENCE POINT 'AUSTIN RRP' HAVING COORDINATES N = 10086515.877, E = 3109682.468 AND REFERENCE POINT 'AUSTIN' HAVING COORDINATE VALUES N = 10097010.901, E = 3128551.052. ALL BEARINGS ARE BASED ON TWO FOUND 1x60 CONCRETE MONUMENTS IN THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. 183 AND THE NORTHERLY LINE OF THE CREEKS SUBDIVISION, HAVING A GRID BEARING OF S33°47'11"E (S33°41'E - PLAT BEARING) AND A SURFACE DISTANCE OF 11411 FEET (11392 FEET - PLAT DISTANCE, 11411 FEET ROW MAP DISTANCE). COMBINED SCALE FACTOR = 0.999924726. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.
  2. THIS SURVEY RELIED ON RECORD INFORMATION CONTAINED IN A COMMITMENT FOR TITLE INSURANCE ISSUED BY STEWART TITLE AUSTIN, INC. OF NO. 03040610, DATED APRIL 20, 2003.
  3. A METES AND BOUNDS DESCRIPTION WAS PREPARED IN CONJUNCTION WITH THIS PARCEL SKETCH.

REV 5/23/2004, ADDED EASEMENTS & SETBACK LINES PER TITLE COMMITMENT & ADDED THREE EASEMENT OVERLAP AREAS.

FIELD NOTES PARCEL 5011.06 TWSE

LEGAL DESCRIPTION OF A 6,486 SQUARE FOOT TRACT OR PARCEL OF LAND OUT OF THE JOHN APPLGATE SURVEY NO. 58, ABSTRACT NO. 29 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 10.097 ACRE TRACT OF LAND CONVEYED TO ALLIANCE FHW LIMITED PARTNERSHIP BY SPECIAL WARRANTY DEED DATED AUGUST 20, 2003, OF RECORD IN DOCUMENT NUMBER 2003205454 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND A PORTION OF THE CREEKS, A SUBDIVISION OF RECORD ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 66, PAGE 72 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID 6,486 SQUARE FOOT TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN 4 PARTS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

PART 1

COMMENCING at a Texas Department of Transportation brass disc in concrete found for corner in the southerly right-of-way line of U.S. Highway 183 also known as Anderson Lane (width varies), being in the northerly line of said 10.097 acre tract;

THENCE, S 33°47'11"E, along said southerly right-of-way line a distance of 113.92 feet to a Texas Department of Transportation brass disc in concrete found for an angle point;

THENCE, S 62°33'11"E, continuing along said southerly right-of-way line a distance of 317.84 feet to a calculated point for corner, being the point of intersection with the centerline of Little Walnut Creek,

THENCE, S 18°04'39" E, continuing along said southerly right-of-way line and centerline a distance of 14.44 feet to a calculated point for corner;

THENCE, S 09°10'49" E, continuing along said southerly right-of-way line and centerline a distance of 50.39 feet to a calculated point for corner;

THENCE, S 14°55'20" E, continuing along southerly right-of-way line and centerline at 9.38 feet passing the northwesterly corner of a called 2.43 acre tract of land conveyed to Texas Manufactured Housing Association by Warranty Deed with Vendor's Lien dated January 19, 1982 of record in Volume 7668, Page 646 of the Deed Records of Travis County, Texas and an angle point in said southerly right-of-way line, continuing along said centerline and the line common to said 10.097 acre tract and 2.43 acre tract, in all a distance of 53.82 feet to a calculated point for corner

THENCE, S 16°12'16" E, continuing along said centerline and common line a distance of 49.64 feet to a calculated point for corner;

THENCE, S 22°21'36" E, continuing along said centerline and common line a distance of 51.94 feet to a calculated point for corner;

THENCE, S 29°07'39" E, continuing along said centerline and common line a distance of 47.40 feet to a calculated point for corner;

THENCE, S 38°31'29" E, continuing along said centerline and common line at a distance of 41.90 feet passing the common westerly corner of said 2.43 acre and a called 23.26 acre tract conveyed to the Carter Family Partnership by Special Warranty Deed dated January 22, 1991 of record in Volume 11359, Page 0160 of the Real Property Records of Travis County, Texas, continuing along said centerline and the line common to said 10.097 acre tract and 23.26 acre tract in all a distance of 45.25 feet to a calculated point for corner;

THENCE, S 23°48'44" E, continuing along said centerline and common a distance of 95.88 to a calculated point for corner;

THENCE, S 21°44'13" E, continuing along said centerline and common line a distance of 50.03 feet to a calculated point for corner;

THENCE, S 24°52'53" E, continuing along said centerline and common line a distance of 50.24 feet to a calculated point for corner;

THENCE, S 23°35'57" E, continuing along said centerline and common line a distance of 46.42 feet to a calculated point for corner;

THENCE, S 13°43'03" E, continuing along said centerline and common line a distance of 31.07 feet to a calculated point for corner, having Texas State Plane Coordinate (Texas Central Zone, NAD83(CORS), U.S. Feet, Combined Scale Factor 0.999924726) values of N=10092653.46, E=3134173.05, being the POINT OF BEGINNING of the herein described PART 1;



THENCE, S 13°43'03" E, continuing along said centerline and common line, at a distance of 10.15 feet passing the westerly line of an existing Wastewater Easement granted to the City of Austin by two instruments dated March 18, 1987 of record in Volume 10173, Page 0929 and dated May 8, 1987 of record in Volume 10246, Page 0577 of the Real Property Records of Travis County, Texas, continuing in all a distance of 31.78 feet to a calculated point for corner,

THENCE, S 04°12'20" W, continuing along said centerline and common line a distance of 48.17 feet to a calculated point for corner, being the POINT OF COMMENCEMENT for the hereafter described PART 2;

THENCE, N 02°54'18" W, departing said centerline and crossing said 10.097 acre tract a distance of 79.02 feet to the POINT OF BEGINNING, containing 236 square feet of land within PART 1.

## PART 2

COMMENCING at the most southerly corner of the above described PART 1;

THENCE, S 04°12'20" W, along the centerline of said Little Walnut Creek and the line common to said 10.097 acre tract and 23.26 acre tract a distance of 0.78 foot to a calculated point for corner,

THENCE, S 02°10'37" W, continuing along said centerline and common line a distance of 0.65 foot to a calculated point for corner, having Texas State Plane Coordinate (Texas Central Zone, NAD83(CORS), U.S. Feet, Combined Scale Factor 0.999924726) values of N=10092573.11, E=3134176.97, being the POINT OF BEGINNING of the herein described PART 2;

THENCE, S 02°10'37" W, continuing along said centerline and common line, at a distance of 14.99 feet passing the westerly line of a Wastewater Easement granted to the City of Austin dated November 12, 1987 of record in Volume 10570, Page 0508 of the Real Property Records of Travis County, Texas, continuing in all a distance of 56.31 feet to a calculated point for corner,

THENCE, S 21°38'21" W, continuing along said centerline and common line, at a distance of 37.57 feet passing the southerly line of said Wastewater Easement, continuing in all a distance of 48.86 feet to a calculated point for corner, being the POINT OF COMMENCEMENT for the hereafter described PART 3;

THENCE, S 38°12'12" W, departing said centerline and common line and crossing said 10.097 acre tract, a distance of 2.28 feet to a calculated point for corner,

THENCE, N 11°46'25" E, departing said centerline and common line, and crossing said 10.097 acre tract, at a distance of 9.67 feet passing the easterly line of an existing Sanitary Sewer Easement granted to the City of Austin dated February 27, 1962 of record in Volume 2436, page 1 of the Deed Records of Travis County, Texas, at a distance of 51.21 feet passing the westerly line of said Sanitary Sewer Easement, continuing in all a distance of 105.71 feet to the POINT OF BEGINNING, containing 512 square feet of land within said PART 2.

**PART 3**

COMMENCING at an angle point in the above described PART 2;

THENCE, S 21°38'21" W, along the centerline of said Little Walnut Creek and the line common to said 10.097 acre tract and 23.26 acre tract, a distance of 3.63 feet to a calculated point for corner,

THENCE, S 38°53'59" W, continuing along said centerline and common line a distance of 74.45 feet to a calculated point for corner,

THENCE, S 59°14'50" W, continuing along said centerline and common line a distance of 44.05 feet to a calculated point for corner,

THENCE, S 51°21'16" W, continuing along said centerline and common line a distance of 45.56 feet to a calculated point for corner,

THENCE, S 58°12'02" W, continuing along said centerline and common line a distance of 51.11 feet to a calculated point for corner,

THENCE, S 72°33'49" W, continuing along said centerline and common line a distance of 46.01 feet to a calculated point for corner,

THENCE, S 75°10'24" W, continuing along said centerline and common line a distance of 45.59 feet to a calculated point for corner,

THENCE, N 80°26'52" W, continuing along said centerline and common line a distance of 50.11 feet to a calculated point for corner,

THENCE, N 82°09'47" W, continuing along said centerline and common line a distance of 33.16 feet to a calculated point for corner,

THENCE, S 83°14'03" W, continuing along said centerline and common line a distance of 20.20 feet to a calculated point for corner, being the common southerly corner of said 10.097 acre tract and a called 8.454 acre tract conveyed by Special Warranty Deed with Vendors Lien dated June 28, 2001 to Walnut Creek Partners, L.P. recorded in Document No. 2001106690 of the Official Public Records of Travis County, Texas;

THENCE, N 59°02'11" W, departing said centerline and common line, and along the line common to said 10.097 acre tract and 8.454 acre tract, a distance of 70.38 feet to a calculated point for corner,

THENCE, N 69°21'11" W, continuing along said common line a distance of 56.09 feet to a calculated point for corner having Texas State Plane Coordinate (Texas Central Zone, NAD83(CORS), U.S. Feet, Combined Scale Factor 0.999924726) values of N=10092352.39, E= 3133675.28, being the POINT OF BEGINNING of the herein described PART 3;

THENCE, N 69°21'11" W, continuing along said common line, a distance of 2.76 feet to a calculated point for corner;

THENCE, N 71°35'26" E, departing said common line and crossing said 10.097 acre tract, a distance of 24.04 feet to a calculated point for corner;

THENCE, S 14°41'37" E, a distance of 7.66 feet to a calculated point for corner, being the POINT OF COMMENCEMENT of the hereafter described PART 4;

THENCE, S 87°01'15" W, a distance of 22.20 feet to the POINT OF BEGINNING, containing 104 square feet of land within PART 3.

#### PART 4

COMMENCING at the most seasterly corner of the above described PART 3;

THENCE, N 87°01'15" E, a distance of 18.96 feet to a calculated point for corner having Texas State Plane Coordinate (Texas Central Zone, NAD83(CORS), U.S. Feet, Combined Scale Factor 0.999924726) values of N=10092354.61, E= 3133717.85, being the POINT OF BEGINNING of the herein described PART 4;

THENCE, N 14°41'37" W, a distance of 11.83 feet to a calculated point for corner;

THENCE, N 79°23'52" E, a distance of 27.24 feet to a calculated point for corner;

THENCE, N 82°12'32" E, a distance of 185.73 feet to a calculated point for corner;

THENCE, S 68°19'59" E, at a distance of 61.06 feet passing the westerly line of said Sanitary Sewer Easement, continuing in all a distance of 73.80 feet to a calculated point for corner;

THENCE, S 87°01'15" W, at a distance of 22.84 feet passing the westerly line of said Sanitary Sewer Easement, continuing in all a distance of 276.75 feet to the POINT OF BEGINNING, containing 5,634 square feet of land within said PART 4, and a total of 6,486 square feet of land within PARTS 1, 2, 3, and 4.

BEARING BASIS NOTE

All bearings and coordinates are referenced to the Texas State Plane Grid Coordinate System, Central Zone, NAD83(CORS) Datum. The coordinates were established from reference point "Austin RRP" having coordinate values N = 10086515.877, E = 3109682.468 and reference point "Austin" having coordinate values N = 10097010.901, E = 3128551.052. All bearings are based on two found Texas Department of Transportation brass disks in concrete in the southerly right-of-way line of U.S. Highway 183 and the northerly line of The Creeks subdivision, having a grid bearing of S 33°47'11" E (S 33°41'E - Plat Bearing) and a surface distance of 113.92 feet (113.92 feet - Plat Distance). Combined Scale Factor = 0.999924726. All distances are surface distances.



*Lawrence A. Hunt*  
Lawrence A. Hunt  
Registered Professional Land Surveyor  
Texas Registration No. 4328

**FIELD NOTES REVIEWED**

By: *mhl* Date: *12-15-03*

**Austin Clean Water Program  
Survey Coordinator**

Prepared By:

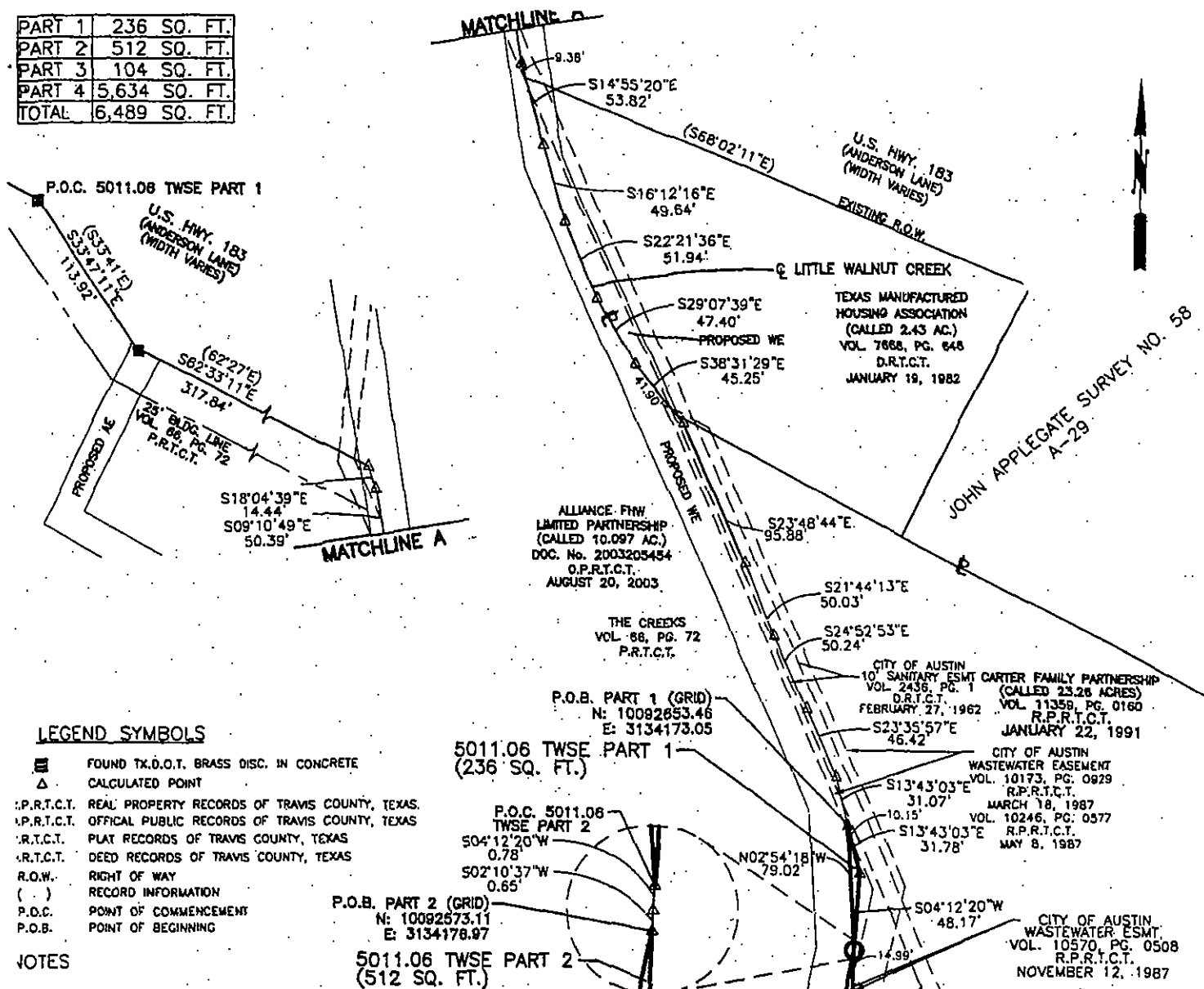
Sunland Engineering Company  
10497 Town & Country way, Suite 550  
Houston, Texas 77023  
713-467-8484

REFERENCES

TCAD #0229210231  
AUSTIN GRID M-27

Exhibit "C"  
Page 6 of 8

PART 1	236 SQ. FT.
PART 2	512 SQ. FT.
PART 3	104 SQ. FT.
PART 4	5,634 SQ. FT.
TOTAL	6,489 SQ. FT.



12/10/2003  
*Lawrence A. Hunt*

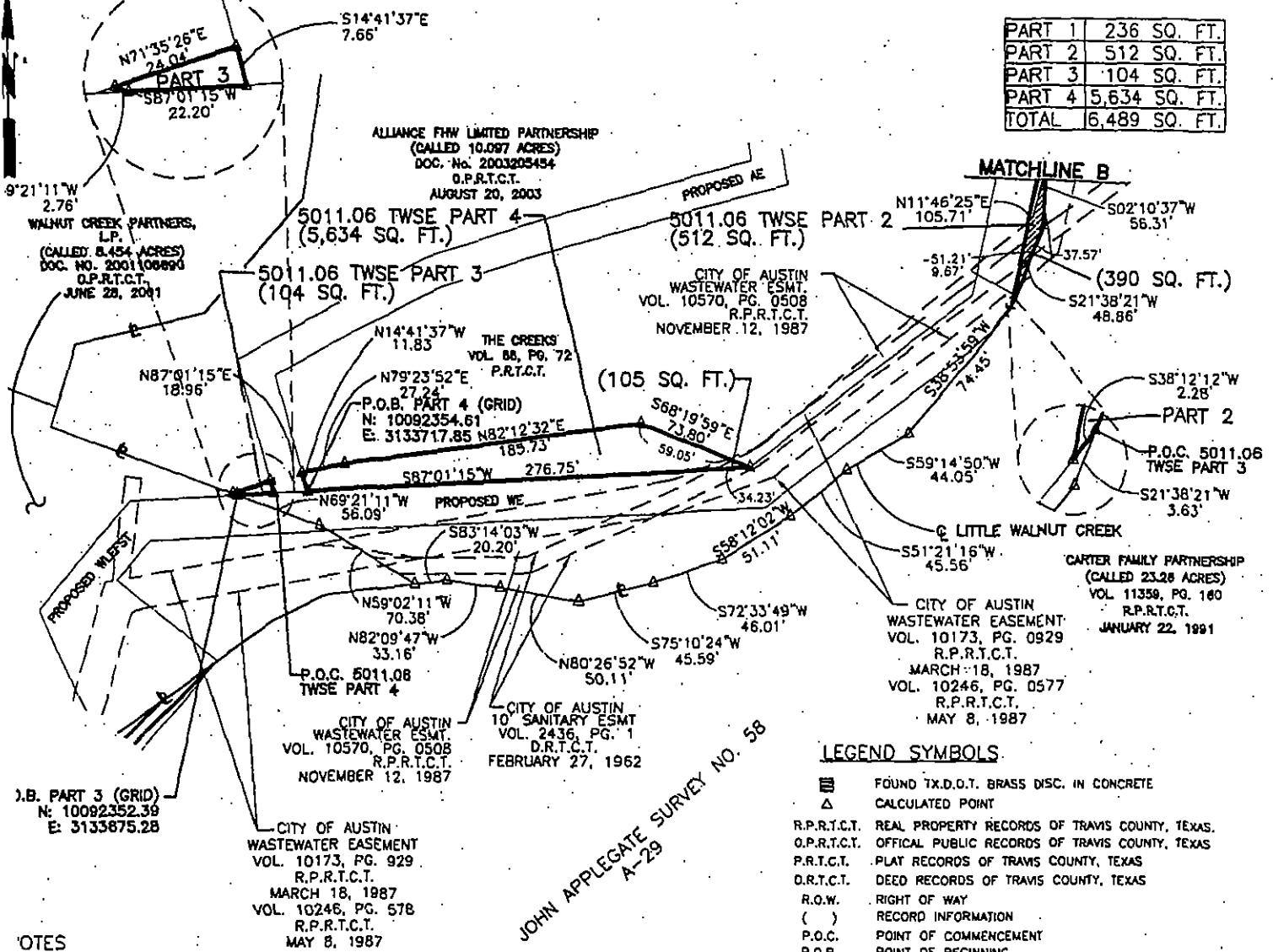
**SUNLAND**  
**ENGINEERING COMPANY**  
 CIVIL ENGINEERING • SURVEYING • PROJECT MANAGEMENT  
 10497 TOWN & COUNTRY WAY, STE. 550 HOUSTON, TX 77024 (713) 467-8484  
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**SKETCH OF PARCEL 5011.06 TWSE**  
**LITTLE WALNUT CREEK**  
**(U.S. 290/U.S. 183)**  
**JOHN APPLGATE SURVEY NO. 58, A-29**  
**TRAVIS COUNTY, TEXAS**



SURVEY BY: RRF	DATE: DECEMBER, 2002	SCALE: 1" = 100'
DRAWN	Exhibit "C"	E: MAY 30, 2003
CHECKED	Page 7 of 8	DATE: JULY 31, 2003
		SHEET NUMBER 7 OF 8

PART 1	236 SQ. FT.
PART 2	512 SQ. FT.
PART 3	104 SQ. FT.
PART 4	5,634 SQ. FT.
TOTAL	6,489 SQ. FT.

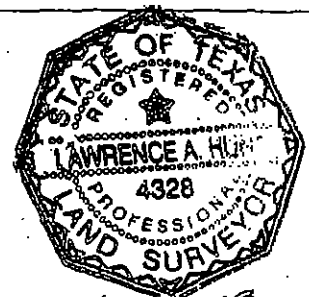


#### NOTES

1. ALL BEARINGS AND COORDINATES ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE NAD 83 (CORS) DATUM. THE COORDINATES WERE ESTABLISHED FROM REFERENCE POINT "AUSTIN RRP" HAVING COORDINATES N = 0086515.877, E = 3109682.468 AND REFERENCE POINT "AUSTIN" HAVING COORDINATE VALUES N = 10097010.901, E = 3128551.052. ALL BEARINGS ARE BASED ON TWO FOUND TXDOT BRASS DISCS IN CONCRETE IN THE SOUTHERLY RIGHT-OF-WAY LINE OF I.S. 183 AND THE NORTHERLY LINE OF THE CREEKS SUBDIVISION, HAVING A GRID BEARING OF S33°47'11"E (S33°41'E - PLAT BEARING) AND A SURFACE DISTANCE OF 13.92 FEET (113.92 FEET - PLAT DISTANCE). COMBINED SCALE FACTOR = 0.999924726. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.

2. THIS SURVEY RELIED ON RECORD INFORMATION CONTAINED IN A COMMITMENT FOR TITLE INSURANCE ISSUED BY STEWART TITLE AUSTIN, INC. GF NO. 03040610, DATED APRIL 20, 2003.

3. A METES AND BOUNDS DESCRIPTION WAS PREPARED IN CONJUNCTION WITH THIS PARCEL SKETCH.



12/10/2003  
James A. Hunt

**SUNLAND**  
ENGINEERING COMPANY

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**SKETCH OF PARCEL 5011.06 TWSE**  
**LITTLE WALNUT CREEK**  
**(U.S. 290/U.S. 183)**  
**JOHN APPLEGATE SURVEY NO. 58, A-29**  
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SURVEY BY: RRF	DATE: DECEMBER, 2002	SCALE: 1" = 100'
DRAWN	Exhibit "C"	DATE: MAY 30, 2003
CHECKED	Page 8 of 8	SHEET NUMBER 8 OF 8
	DATE: JULY 31, 2003	